

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No. 2424

Shiping WANG et al.

Group Art Unit: 1615

Application No.: 10/783,362

Examiner: Hasan Syed AHMED

Filed: February 20, 2004

Attorney Docket No.: 029714-00017

For: ANTIMICROBIAL MEDICAL GLOVES

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 15, 2011

Sir:

The Applicants respectfully petition for withdrawal of the premature holding of abandonment set forth in the Notice of Abandonment dated September 15, 2011. According to the Notice of Abandonment, the application was purportedly abandoned for failure to file an Appeal Brief in response to a Notice of Panel Decision from Pre-Appeal Brief Review dated March 30, 2011. However, the Applicants respectfully submit that the period for response to this Notice is extendible to the final due date of September 30, 2011, with a five-month extension of time.

Applicable Patent Office Guidance

The Patent Office has published guidance regarding the implementation of the Pre-Appeal Brief Request for Review Pilot Program. See New Pre-Appeal Brief

Conference Pilot Program, 1296 Off. Gaz. Pat. Office 67 (July 12, 2005). This Pilot Program was extended indefinitely in the Official Gazette Notice of February 7, 2006.

In section 7 of 1296 Off. Gaz. Pat. Office 67, the applicable time periods for taking action after a Panel Decision are laid out:

The time period for filing an appeal brief will be reset to be ***one month from mailing of the decision on the request, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater***. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of the decision on the request or the receipt date of the notice of appeal, as applicable. (Emphasis added.)

Facts

The Applicants filed a Notice of Appeal on February 1, 2011, along with a Pre-Appeal Brief Request for Review.

A Notice of Panel Decision was mailed on March 30, 2011.

On September 15, 2011, a Notice of Abandonment was mailed.

It appears that the Notice of Abandonment was based on the deadline that was two months from the filing of the Notice of Appeal (i.e., two months from February 1, 2011, or April 1, 2011), extended by an additional five months pursuant to 37 C.F.R. § 1.136 (i.e., September 1, 2011).

Applicants submit that based on the Patent Office guidance set forth above, the correct deadline is one month from the mailing of the Notice of Panel Decision (i.e., one month from March 30, 2011, or April 30, 2011), extended by five months pursuant to 37 C.F.R. § 1.136 (i.e., September 30, 2011).

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Relief Requested

The Applicants respectfully petition that the abandonment of the above-identified application be withdrawn, and that the application be returned to pending status.

Conclusion

No fees are believed due in connection with this Petition. However, the Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account Number 01-2300, referencing Attorney Docket Number 029714-00017.

Respectfully submitted,



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